

**MINUTES  
FREMONT CITY COUNCIL MEETING  
MARCH 22, 2011  
FREMONT CITY HALL  
7:00 P.M.**

**1. PRELIMINARY**

**1.1 Call to Order:** Mayor Wasserman called the meeting to order.

**1.2 Flag Salute:** Councilmember Dutra led the salute to the flag.

**1.3 Roll Call:** Present: Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra.

**1.4 Announcements by Mayor/City Manager** – None.

**2. CONSENT CALENDAR**

- \* **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra
Noes:	None
Absent:	None
Abstain:	None

- \* **2.2 Approval of Minutes**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council approved the minutes for the Regular and Special Meetings of February 15, 2011.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra
Noes:	None
Absent:	None
Abstain:	None

- \* **2.3 Mayor Wasserman opened consideration to Approve and Authorize the City Manager to Execute a Construction and Maintenance Agreement with the Union Pacific Railroad and a Fourth Amendment to the Cooperative Agreement with the Santa Clara Valley Transportation Authority for the Kato Road Grade Separation Project**

\*Consent Items

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council:

1. Approved and Authorized the City Manager or his designee to execute a Fourth Amendment to the Cooperative Agreement with the Santa Clara Valley Transportation Authority regarding the implementation of the Kato Road Grade Separation Project to commit VTA to assume all cost responsibilities of the City called for in the Project Construction and Maintenance Agreement with the Union Pacific Railroad and VTA.
2. Approved and following execution of the Fourth Amendment to the Cooperative Agreement with VTA, further authorized the City Manager or his designee to execute a Construction and Maintenance Agreement with the Union Pacific Railroad and VTA to set forth the rights and responsibilities for construction of the Kato Road Grade Separation Project and maintenance of the completed facilities.

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan, Harrison and Dutra  
Noes: None  
Absent: None  
Abstain: None

**\* 2.4 Mayor Wasserman opened consideration of Appropriation of Federal American Recovery and Reinvestment Act of 2009 (ARRA) fund amount of \$252,422 to the Osgood Road Rehabilitation Project between Washington Boulevard and Auto Mall Parkway, City Project No. 8173 (PWC)**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council approved appropriation of American Recovery and Reinvestment Act of 2009 funding obligated to Osgood Road by Caltrans on August 13, 2010, in the amount of \$252,422 to the Osgood Road Rehabilitation Project, City Project No. PWC 8173 fund 194.

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan, Harrison and Dutra  
Noes: None  
Absent: None  
Abstain: None

**\* 2.5 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider an Annual Report on the Status of the General Plan and Housing Element Implementation**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council:

1. Held a public hearing.
2. Found the Annual Report is exempt from the California Environmental Quality Act (CEQA) under Guideline 15378(b)(5) definition of a "project".

3. Found that the Annual Report of the General Plan and Housing Element accurately depict the current status of the City of Fremont with respect to the General Plan and Housing Element and directed staff to submit required materials to the appropriate agencies.

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan, Harrison and Dutra  
Noes: None  
Absent: None  
Abstain: None

**\* 2.6 Mayor Wasserman opened consideration of a Replacement of Letter of Credit on the City of Fremont 1998 Variable Rate Demand Certificates of Participation (1998 Family Resource Center Financing Project) (COPs)**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council:

1. Approved substitution of the Kredietbank N.V., acting through its New York Branch (“KBC”), letter of credit with the U. S. Bank letter of credit for the 1998 Variable Rate Demand Certificates of Participation.
2. Adopted Resolution No. 2011-16 authorizing the preparation and execution by the City officers and staff identified in the resolution of all agreements, documents, and certificates required to remarket the 1998 Variable Rate Demand Certificates of Participation, including the following documents (which are on file with the Office of the City Clerk), in addition to the enclosures, in connection with the 1998 Variable Rate Demand Certificates of Participation:
  - a. Reimbursement Agreement with U. S. Bank, National Association
  - b. Mandatory Tender Notice
  - c. Remarketing Supplement to the Official Statement for the 2008 Variable Rate Demand Certificates of Participation

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan, Harrison and Dutra  
Noes: None  
Absent: None  
Abstain: None

**3. CEREMONIAL ITEMS – None.**

**4. PUBLIC COMMUNICATIONS**

**4.1 Oral and Written Communications – None.**

**5. SCHEDULED ITEMS – None.**

**6. REPORT FROM CITY ATTORNEY**

**6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.**

**7. OTHER BUSINESS**

**7.1 Mayor Wasserman opened consideration of Introduction of an Ordinance Adding Chapter 14 to Title VII of the Fremont Municipal Code Regarding Universal Design Features in New Housing**

Associate Planner Amy Rakley provided background information, described universal design as it pertains to housing, discussed research that staff had conducted which included working with a variety of stakeholders, and highlighted key elements of the proposed ordinance. Mayor Wasserman opened the item for public comment. David Siegel (Hearth Homes Community Building) expressed support for the proposed ordinance and suggested including the ability to age in place as part of Section 7-14100 of the proposed ordinance. Jessica Lehman (Community Resources for Independent Living), Dennis Driver (Disability Action Network) and Kevin Lee expressed concern related to the proposed ordinance and believed that the City should institute mandatory requirements for at least a percentage of new units. There were no other speakers. Mayor Wasserman closed public comment. Staff responded to questions from Councilmembers. Councilmembers provided comment.

On a motion by Councilmember Natarajan, the City Council:

1. Held public hearing.
2. Waived full reading and introduced an ordinance adding Chapter 14 (Universal Design) to Title VII (Building Regulations) regarding Universal Design standards including an amendment to Section 7-14100 to add the ability to “age in place” as part of the Purpose and Intent, and selecting Option 1 applying the ordinance to all owner-occupied and rental units which are single-family, duplex, or triplex, except custom home as outlined in the staff report.
3. Directed staff to prepare and the City Clerk to publish a summary of the proposed ordinance.
4. Directed the City Clerk to file a copy of the ordinance with the California Department of Housing and Community Development after its adoption.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra
Noes:	None
Absent:	None
Abstain:	None

**8. COUNCIL COMMUNICATIONS**

**8.1 Council Referrals – None.**

**8.2 Oral Reports on Meetings and Events – None.**

**9. ADJOURNMENT:** There being no further business, Mayor Wasserman adjourned the meeting at 8:00 p.m.

Attest:

Approved:

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Dawn G. Abrahamson, City Clerk

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BOB WASSERMAN, Mayor